

SENATE BILL 3298
By Cooper

AN ACT to amend Tennessee Code
Annotated, Title 49, Chapter 7; Title
49, Chapter 8 and Title 49, Chapter 9
relative to public higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-7-107(a) is amended by adding the following new language:

All such agreements shall be in writing and filed with governing board of the university or college and the Tennessee higher education commission.

SECTION 2. Tennessee Code Annotated, Section 49-7-107 is further amended by adding the following new language as new subsections:

(c) All books, papers, records, and correspondence of a foundation created for the benefit of a state college or university are public records except:

- (1) Information relating to donors who have requested anonymity; and
- (2) Work papers and correspondence, including correspondence by electronic mail, with any person soliciting a donation or gift for the foundation.

(d) If any officer, board member, employee or contractor of a foundation created for the benefit of a state college or university has a financial interest, direct or indirect, or has an ownership interest in any firm, corporation, or other entity having an interest in any business or contracts with the college or university for which the foundation was created the officer, board member, employee or contractor shall immediately disclose, in writing, such interest to the foundation and governing board of the college or university, and such disclosure shall be entered in the minutes of the foundation and of the governing board.

Such officer, board member, employee or contractor must refrain from participation in any discussion or activity by the foundation in connection with such business or contract. Failure to disclose such interest shall constitute misconduct in office and such officer, board member, employee or contractor may, after proper notification and opportunity to be heard, be disqualified from being an officer, board member, employee or contractor with or employment by the foundation by a majority vote of the board of directors and may not be reappointed to or reemployed by the foundation for a period of ten (10) years or until such conflict has been removed, which ever is longer.

(e) The board of directors for a foundation created for the benefit of a state college or university shall establish and adopt a code of ethics that shall apply to and govern the conduct of all members of the board and the foundation's employees. Such code of ethics shall be filed with the governing board of the college or university for whose benefit the foundation was created.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.